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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,158

11/24/2003

Philip Jeffrey Seaman

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7590

09/20/2007

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EXAMINER

ARYANPOUR, MITRA

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,158

Applicant(s)

SEAMAN, PHILIP JEFFREY

Examiner

Mitra Aryanpour

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: on line 3 "not" should be inserted before "required". Appropriate correction is required for the above objection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "attached to it" in line 4, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Regarding claim 4, the phrase "hitting it" in line 4, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Regarding claim 10, the phrase "that device" in line 5, renders the claim indefinite because it is unclear what structure is encompassed by such language.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deal (5,156,394).

Regarding claim 1, Deal shows a basketball-training device comprising an annular member (10) for being slidably received on a basketball rim (14) including an opening (16) for shooting basketballs into. Descending downwardly from the rim (14) and sloping inward is netting (18) acting as a chute, whereby balls can be returned to any area of the court, the rim (14) and netting (18) are part of the facsimile goal (hoop 12); the annular member (10) includes an interior surface (11) and an exterior surface (13). Deal shows the annular rim is manually rotatable with respect to the rim. Deal further shows the rim includes a plurality of hooks (see figures 6, 8, 9, 10 and 19). Deal does not disclose expressly the inclusion of roller bearings i.e. ball bearings to facilitate rotation. The Examiner takes official Notice that the use of ball bearings is old and well known and obvious to incorporate in order to facilitate rotation.

Regarding claim 2, Deal further shows the device (see figures 20-25) can be attached to or removed from a basketball goal (12) by use of the hooks and a shepherds crook having substantially a U-shaped tip (pole 86 having an end point 88 and a hook 90; see figure 17).

Regarding claim 3, Deal shows a chute (combination of annular member 10 and netting 18) can be attached to and removed from the bearing (14) by means of the shepherds crook (86).

Regarding claim 4, Deal shows the plurality of hooks (26) are made of a strong but springy material various embodiments have been disclosed for the mounting means; see column 3, lines 42-68 and column 4, lines 1-30).

Regarding claim 5, Deal shows the plurality of hooks (26) fold allowing the device to be smaller (second embodiment pertaining to figures 5 and 6).

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Regarding claim 6, Deal shows the chute (combination of 10 and 18) is foldable allowing the chute to be substantially smaller.

Regarding claim 7, Deal shows the passage is restricted by one of the items selected from the group: a plurality of hooks (26).

Regarding claim 8, Deal shows the device does not rest on the floor (see figures 1 and 17).

Regarding claim 10, Deal further shows the means by which the inner bearing (14) is attached to the basketball goal (12) does not interfere with the top surface of the basketball goal (see figures 26-30).

Regarding claim 11, Deal shows a basketball-training device comprising an annular member (10) for being slidably received on a basketball rim (14) including an opening (16) for shooting basketballs into. Descending downwardly from the rim (14) and sloping inward is netting (18) acting as a chute, whereby balls can be directed away from the goal, the annular member (10) includes an interior surface (11) and an exterior surface (13). Deal shows the annular rim is manually rotatable with respect to the rim. Deal further shows the rim includes a plurality of hooks (see figures 6, 8, 9, 10 and 19). Deal does not disclose expressly the inclusion of roller bearings i.e. ball bearings to facilitate rotation. The Examiner takes official Notice that the use of ball bearings is old and well known and obvious to incorporate in order to facilitate rotation.

Regarding claim 12, Deal further shows the device can be attached to and removed from the basketball goal by use of the plurality of hooks (26) and a shepherds crook (pole 86 having an end point 88 and a hook 90; see figure 17).

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Regarding claim 13, note the rejection of claim 4.

Regarding claim 14, note the rejection of claim 5.

Regarding claim 15, note the rejection of claim 3.

Regarding claim 16, note the rejection of claim 6.

Regarding claim 17, note the rejection of claim 7.

Regarding claim 18, note the rejection of claim 8.

Allowable Subject Matter

6. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Deal in view of Official Notice. Rejections based on the newly cited reference(s) follow.

Response to Arguments

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Monday - Friday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA

15 September 2007



MITRA ARYANPOUR
PRIMARY EXAMINER